

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Vonnie Darin Darby,)	
)	
Plaintiff,)	
)	ORDER RE 1915A SCREENING
vs.)	
)	
Tim Schuetzle, Warden,)	
)	Case No. 1:08-cv-110
Defendant.)	

Plaintiff is an inmate at the North Dakota State Penitentiary (“NDSP”). He initiated the above-entitled action by complaint on December 29, 2008. This matter is now before the court for an initial review as mandated by 28 U.S.C. §1915A.

The undersigned has reviewed the complaint, and it appears highly doubtful that plaintiff has any meritorious claim for relief. However, the issue here is not whether plaintiff’s claims have merit, but whether or not he pled a claim for relief. While this itself is a close question, the undersigned is not prepared to conclude at this point that no claim for relief has been stated. Further, additional context would be helpful in properly disposing of the claims.

For these reasons, it is hereby **ORDERED** that the Clerk effectuate service of the summons and complaint upon the defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure and, if necessary, that the service be made the United States Marshals Service.

Dated this 10th day of February, 2009.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge